IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl.Misc.No.78499-M of 2006

DATE OF DECISION: MARCH 16, 2007

Aseem Phutela

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. Manish Bansal, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.

...

Petitioner Aseem Phutela apprehending his arrest in a non-bailable offence in case FIR No.168 dated 27.5.2005 registered under Sections 420/120-B IPC at Police Station City Abohar, has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

While issuing notice of motion on December 14, 2006, the arrest of the petitioner was stayed subject to his joining the investigation.

I have heard the counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioner contends that the aforesaid FIR was registered on the complaint made by the Senior Manager, Punjab & Sind Bank, Abohar. As per the allegations in the said FIR, Hans Raj and Rajiv Putela, who were partners of M/s. Phutela Trading Corporation, Abohar, were granted cash credit limit, bill purchase limit and third party cheque limit by the complainant bank in the year 1996. Those facilities were further extended from time to time. The petitioner stood as a mortgagor for the facilities taken by the said firm at the subsequent stage when the bank guarantee was enhanced. It is alleged that the petitioner in connivance with the other accused had mortgaged the same property twice with the bank to avail the loan facility and in this way has tried to cheat the bank. Counsel for the petitioner further contends that as far as the petitioner is concerned,

the allegations are false. The petitioner though stood as a mortgagor, but did not mortgage the same property for obtaining the loan twice. Counsel also contends that the property which was mortgaged by the petitioner with the bank is still lying mortgaged with the bank and the allegations of fraud and cheating levelled against the petitioner are totally false. Counsel further contends that co-accused of the petitioner, who are mortgagors, have been granted anticipatory bail by this Court in Crl.Misc.Nos.33015-M of 2005 and 33188-M of 2005.

Counsel for the petitioner contends that in terms of the interim order dated February 23, 2007, the petitioner has joined the investigation. This fact has not been disputed by the State counsel and he further on instructions from SI Johra Singh states that the petitioner is no more required for further investigation.

In view of the above, the interim order dated December 14, 2006 is made absolute on the same terms and conditions.

Disposed of accordingly.

March 16, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE